

### REMARKS

This is a full and timely response to the Office Action of July 8, 2003. By the present Amendment, the claims have been amended to more particularly and distinctly point out the novelty and non-obviousness of the present invention. Reconsideration and allowance of the application and all presently pending claims are respectfully requested.

By the present Amendment, claims 1, 30 and 45 have been amended and new claims 46-50 have been introduced. These claims point out the novel and non-obvious facilitation and fulfillment of *transactions for goods and services* disclosed by the present invention.

As described in the specification for the present application, the present invention provides a system and method for enabling the facilitation and fulfillment of wireless e-commerce transactions in a secure and convenient manner. The present invention further assists in tying e-commerce transactions to “real world” products and services, and provides appropriate systems to enable users to bypass traditional physical world limitations associated with traditional transactions or only partially integrated e-commerce transactions. For instance, in the movie ticket example described in the specification of the present application, a user is able to bypass a ticket point-of-sale location and proceed directly into the theater using the present invention.

By displaying a transaction code on a wireless device display, the present invention enables complete transaction processing for a desired good or service, away from a point-of-sale location. Fulfillment of an actual transaction (e.g., a purchase, sale, rental, lease, loan, borrowing, consigning,

etc.) for a product or service is initiated and completed using the displayed code and an appropriate optical scanner. Thus, the invention provides a system and method which truly facilitates and fulfills *transactions* for goods and/or services.

By the present Amendment, claims 1, 30 and 45 have been amended and new claims 46-50 added to more particularly claim the facilitation and fulfillment of real-world transactions for goods and services. Support for these claim amendments and additions is found throughout the specification, and no new matter is believed to have been added.

#### **Response to 35 USC 102 and 103 rejections**

In the Office Action dated July 8, 2003, and as clarified in the communication dated November 5, 2003, the Examiner has rejected claims 1-25, 30, and 34-44 under 35 USC 102(a) based on the Hymel et al. reference (WO/00/03328). The Examiner has also rejected claims 26-29, 31-33 and 45 under 35 USC 103(a) based on the Ulvinen et al (6,6,393,305) reference in light of the Hymel et al. reference. Based on the above amendments and the present remarks, Applicant submits that these rejections have been traversed.

The Hymel et al. reference relates to a targeted or affinity marketing and coupon delivery system. Unlike the present invention, the Hymel et al. reference does not make it easier to purchase a good or service. Further, the Hymel et al reference does not teach or describe facilitation of *transactions*; rather, it proposes to facilitate processing of coupons, demographic information and affinity information.

As described throughout the Hymel et al. publication, including the portions referenced by the Examiner, demographic and individual identity information are used to deliver targeted coupons and promotions to the user. The Hymel et al. reference describes displaying demographic, coupon and affinity information in various formats on a selective call receiver (SCR). However, whether the coupons are displayed on the user's SCR and then scanned at the point-of-sale, or stored in the store's computer and then applied to the user's purchase at the point-of-sale, no actual transaction for a good or service is begun, processed or consummated using the displayed code according to the Hymel et al. reference.

Contrary to the claims as amended, there is no teaching or suggestion in Hymel et al. or any other cited reference of receiving a request to transact for a particular product or service, and delivering a transaction code based on the request. There is also no teaching or suggestion in the cited references that the displayed code represents a transacted-for product or service as claimed in the presently amended claims. In fact, as described on page 11, lines 36-37, the Hymel et al. publication teaches scanning the bar codes of purchased items at the point-of-sale, separately from scanning the user's SCR. Further, there is no teaching or suggestion in the Hymel et al. or other references of record wherein *fulfillment of a transaction* for a good or service occurs at a non-point-of-sale location, as described by the present invention and as claimed in the claims as amended herein. The only description in Hymel et al. related to scanning barcoded SCR-displayed information at a non-point-of-sale location relates to scanning the identification or user demographic information as the user enters a store (p. 9, lines 16-18 and 32-35; p. 10, lines 29-34) and even then, in every instance, the Hymel et al. reference teaches transaction fulfillment by standard point-of-sale procedures (see p. 10, lines 14-19; p. 11, lines 6-8 and 32-37).

Applicant further submits that it would be impractical and against the teaching of Hymel et al. to modify the Hymel et al. system for receipt and display of a transaction code on the SCR for a transacted-for product or service. Hymel et al. describes displaying and scanning barcodes on the SCR for identification and demographic information purposes. Hymel et al. also describes the conventional association of user purchases with an affinity card (see p. 14, lines 32-34), thereby capturing demographic information for targeted marketing. As such, there would be no need or motivation for the Hymel et al. system to capture purchase information by scanning transaction codes representing transacted-for goods and services on the user's SCR device. Thus, the Hymel et al. does not contemplate or suggest receiving and displaying a transaction code representing a transacted-for product or service on a wireless communications device.

For the above reasons, Applicant submits that none of the cited references, taken either singly or combined, teaches or suggests the system and method of the present invention as presently claimed.

### **CONCLUSION**

Based on the foregoing, Applicant submits that the present application is in position for prompt adjudication and allowance. Applicant believes that all of the claims currently pending in the present application are now in condition for allowance, and an early notice to that effect is earnestly solicited.

Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the present application, the Examiner is invited to contact Applicant's undersigned representative at the address and phone number provided below.

A three-month extension of time is being filed simultaneously with this Amendment. The Commissioner is hereby authorized to charge Deposit Account No. 50-0766 in payment of the required fees.

Respectfully submitted,  
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Attached: Petition for 3-month extension of time

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